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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,227	05/06/2002	Luis Arcos-Rodriguez	449122019400	6186

25227 7590 09/20/2007
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EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,227

Applicant(s)

ARCOS-RODRIGUEZ ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the Request for Continued Examination filed 29 June 2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims include several limitations of a contradictory nature, such as "separating the first element and the second element for non-simultaneously displaying on the same screen page" (claim 1), and "displaying neither the first element or the second element on the screen at separate times" (claim 1). Claim 8 recites similar limitations. Generally, the limitations are considered to be indefinite and contradictory as they are directed towards both simultaneous ("same screen page") and separate display of elements ("non-simultaneously displaying"). As a result, claims dependent upon claims 1 and 8 are similarly rejected, and the claims have been interpreted in the broadest reasonable fashion by the examiner.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Slotznick (US Patent 6,011,537).

Regarding claim 1, Slotznick teaches supplying information configured on a screen as a first element in a separate space from a second element, wherein the first element and second element are displayed simultaneously on the same screen page (taught as the accessing and downloading of information in the form of pages, at col. 6, lines 28-32, where pages contain both primary and secondary data, at col. 8, lines 51-52, wherein the primary and secondary data are displayed simultaneously, at col. 4, lines 49-51), separating the first element and the second element prior for non-simultaneously displaying on the same screen page, and displaying neither the first element or the second element on the screen at separate times (taught as the display of only primary data on a first virtual page, and secondary data on a second virtual page, at col. 9, lines 24-30, further taught as the separation of primary and secondary data into different full-display pages upon user actuation, at col. 4, lines 51-62). Slotznick further teaches the separation of primary and secondary data at col. 3, lines 38-41, stating "data that could be classified as secondary information is generally ... downloaded in the foreground as a separate page of primary information", therefore separating the primary and secondary data.

Regarding claim 3, Slotznick teaches the first element being advertising information, taught as the use of advertisements as secondary information, at col. 24, lines 28-32.

Regarding claim 4, Slotznick teaches the display changing between the first element and the second element whenever a predetermined time period has elapsed, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50.

Regarding claim 5, Slotznick teaches the display changing between the first and second element depending on a change of state on a terminal associated with the screen, taught as the change of state inherently present in a user action for the display of the second element, such as the selection of a page or actuation of a key, at col. 9, lines 30-36.

Regarding claim 6, Slotznick teaches the display changing between the first element and the second element depending on at least one of actuation of a key associated with the terminal, a change in position of the terminal, and actuation of a touch screen, as taught at col. 9, lines 30-36.

Regarding claim 7, Slotznick teaches no further changes taking place during a predetermined time period after the display has changed depending on a change of state, taught as the user control over the display of secondary information for a time period determined by the user, at col. 13, lines 16-19.

Regarding claim 8, Slotznick teaches a screen and control unit which controls the display on the screen, where information configured as a first element and a second element, the first element configured in a separate space from the second element, for simultaneous display on a same screen page is supplied to the control unit (taught as the accessing and downloading of information in the form of pages, at col. 6, lines 28-32, where pages contain both primary and secondary data, at col. 8, lines 51-52, wherein the primary and secondary data are displayed simultaneously, at col. 4, lines 49-51), the control unit separating the first and second elements for a non-simultaneous display on the same screen page, wherein neither the first or second element are displayed on the screen at separate times (taught as the display of

only primary data on a first virtual page, and secondary data on a second virtual page, at col. 9, lines 24-30, further taught as the separation of primary and secondary data into different full-display pages upon user actuation, at col. 4, lines 51-62). Slotznick further teaches the separation of primary and secondary data at col. 3, lines 38-41, stating "data that could be classified as secondary information is generally ... downloaded in the foreground as a separate page of primary information"; therefore separating the primary and secondary data.

Regarding claim 9, Slotznick teaches the first element being advertising information, taught as the use of advertisements as secondary information, at col. 24, lines 28-32.

Regarding claim 10, Slotznick teaches the display changing between the first element and the second element whenever a predetermined time period has elapsed, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50.

Regarding claim 11, Slotznick teaches a key sensor configured for detecting actuation of a key associated with the terminal, where, when the key is actuated, the control unit prompts the screen to change between display of the first element and display of the second element, taught as a user action for the display of the second element, such as the selection of a page or actuation of a key, at col. 9, lines 30-36.

Regarding claim 13, Slotznick teaches a key being provided for changing over between display of the first element and display of the second element, taught as the use of commands for requesting the display of primary or secondary data, taught at col. 21, lines 60-64, and col.

22, lines 37-46. Slotznick teaches the actuation of a key for issuing such commands, at col. 9, lines 30-36.

Regarding claim 14, Slotznick teaches a timer which can be reset by the control unit and outputs a time base signal to the control unit, wherein when a predetermined time period has elapsed, the control unit prompts the screen to change between display of the first element and display of the second element on the basis of the time base signal, taught as the display of a second virtual page after the display of a first page for a pre-specified time, at col. 9, lines 43-50. Inherently, the timer must be reset for each instance of the disclosed automatic display.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick and Barkan et al (US Patent 5,656,804), hereinafter Barkan.

Slotznick teaches a terminal capable of receiving first and second elements of the same display page, separating the elements, and displaying them at separate times. Furthermore, Slotznick teaches changing from the display of the first element to the display of the second element and vice versa in response to a user command or a change in state.

However, Slotznick fails to explicitly teach a position sensor configured for detecting a change in the position of the terminal, where, when a change in the position of the terminal is detected, the control unit prompts the screen to change between display of the first element and display of the second element.

Barkan teaches an apparatus for sensing the motion of a portable terminal. Slotznick at col. 6, lines 42-53 teaches the use of portable devices for the display of primary and secondary information. Further, Barkan teaches the carrying out of a command in relation to a change in position of a portable terminal, at col. 4, lines 58-67 through col. 5, lines 1-5.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Slotznick and Barkan before him at the time the invention was made to modify the user commands for changing a displayed element of Slotznick to include the orientation-dependent function execution of Barkan, in order to obtain a system where switching between a first and second displayed element is based on the position of a portable terminal.

One would have been motivated to make such a combination for the advantage of quickly switching from one displayed element to another without the use of interface buttons or other inputs to provide switching convenience to a user. See Barkan, col. 3, lines 58-61.

Response to Arguments

Applicant's arguments filed 29 June 2007 have been fully considered but they are not persuasive.

Similar to the amended claims, the examiner believes the related arguments to be contradictory. For example, Applicant argues on page 5 of the remarks that "the first and second elements are separated so that they can be displayed on the same screen page, but not at the same time". The examiner contends that elements displayed on "the same screen page" must inherently be displayed at the same time, or else they would not be displayed on the same screen page. However, should the examiner's interpretation of "screen page" (the currently displayed window, display screen, etc.) prove to be false, Applicant is reminded that Slotznick

further teaches the display of separated elements non-simultaneously, in pages or windows viewed separately from one another, consistent with the previous version of the claims.

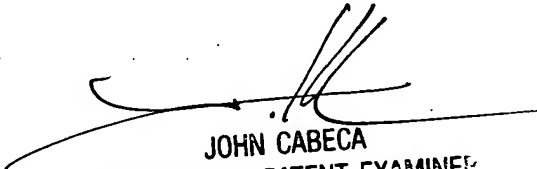
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell
9/11/2007



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